(1) (3) Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 1063 /2005

Petitioner : Bhagirathi Verma, son of late Dhanauram Verma, aged about 59 years, Agricultural Development Officer, Mandir Hasaud, District Raipur, resident of Mandir Hasaud, Raipur.

P.R. No. 762/05 Presented by Shri Sunil Pandey dated 21.12.05

Vs.

Respondents : 1) State of Chhattisgarh through Secretary, Dept. of Agriculture, Government of Chhattisgarh, D.K.S.Bhawan, Mantralaya, Raipur.

2) Sub-Divisional Agricultural, Sub-Division, Raipur.

3) Shri Ramesh Bais, Member of Parliament, Raipur Constituency, Raipur (C.G.)

Attested A.R.(O)

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(12) As per Hon'ble C.O. dtd-6.11.06 & 10.10.06 Detaling the name of R-3 10.11.06 A.K. Yadav Adv.

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

1) Details of the petitioner: As set out in the column of the petitioner.

2) Details of

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 1063 of 2005

Petitioner Bhagirathi Verma

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Miss Ritu Mishra, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the respondents.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Agricultural Development Officer, Mandir Hasaud, District – Raipur was transferred to Dantewada on the same terms and conditions vide impugned transfer order dated 14.2.2005 (Annexure P/1).
2. This Court vide interim order dated 22.3.2005 granted stay of the impugned order, till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur